

Proceedings of the Arizona Game and Fish  
Commission License Revocation and Civil  
Assessment Hearings  
Time Certain – 2:00 p.m.  
Friday, June 12, 2015  
Mazatzal Hotel (Fireside Room)  
Highway 87, Mile Marker 251  
Payson, Arizona 85541

PRESENT: (Commission)

(Director's Staff)

Chairman Robert E. Mansell  
Vice Chair Kurt R. Davis  
Commissioner Edward "Pat" Madden  
Commissioner James R. Ammons  
Commissioner James S. Zieler

Director Larry D. Voyles  
Deputy Director Ty E. Gray  
Assistant Attorney General Jim Odenkirk  
Assistant Attorney General Linda Pollock

Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments  
for the Illegal Taking and/or Possession of Wildlife

**Presenter:** Gene Elms, Law Enforcement Branch Chief

Mr. Elms presented the cases below to the Commission. Each of these cases were reviewed and it was determined that all cases met the criteria established in A.R.S. §17-238, §17-245 §17-314, §17-340, §17-362, §17-363 and/or §17-502 for Commission action. The Commission and the respondents were provided with copies of the original court docket and case reports prepared by the officers along with copies of all other pertinent materials in each of these cases. Each of the following individuals was legally noticed for this hearing.

<b>Name</b>	<b>Docket #</b>	<b>Count</b>	<b>Conviction</b>
James M. Hutchings	2015-0039	Count A:	Apply for 2012 resident elk tag by misrepresentation
Christopher J. Ball	2015-0043	Count A:	Take wildlife without license (Bobcat)
Christopher M. Perez	2015-0044	Count A:	Possess/transport unlawfully taken wildlife (Bobcat)
William M. Harmon	2015-0047	Count A:	Apply for/obtain 2003 resident hunting license by misrepresentation
Bruce K. Barton	2015-0048	Count A:	Obtain 2012 resident fishing license by misrepresentation
Dean F. Logan	2015-0049	Count A:	Obtain 2014 resident hunting license by misrepresentation
John T. Harper	2015-0050	Count A:	Obtain 2013 resident hunt/fish license by misrepresentation
Paul S. Gould	2015-0051	Count A:	Obtain 2014 resident hunting license by misrepresentation
Chau M. Nguyen	2015-0052	Count A:	Take wildlife without a valid license (Tilapia)
		Count B:	Take wildlife by unlawful method
		Count C:	Possess/transport unlawfully taken wildlife

(Tilapia)

Roll call was taken and the following were present: Dean Logan.

Mr. Elms stated that the civil assessment process is not intended to be punitive, but is a process allowing the Commission to recover financial damages to compensate the State for the loss of any wildlife. Hunter Education requirements are imposed as a remedial measure to increase knowledge and prevent future violations and not as punishment. The Commission was asked to consider and take action on the license revocations and/or civil assessments for the individuals listed above.

**Motion:** Mansell moved and Davis seconded THAT THE COMMISSION VOTE TO TAKE JURISDICTION IN THESE CASES.

**Vote:** Unanimous

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Dean F. Logan

Docket # 2015-0049

Logan was found guilty by the Desert Ridge Justice Court for Count A: Obtain 2014 resident hunting license by misrepresentation; and sentenced: Ordered to pay restitution of \$271.50.

Logan was present and addressed the Commission stating that he messed up and bought a resident license in Arizona. He owns property in Arizona. He flew back from Oregon for this hearing and has recently completed the Hunter Education course.

Case Officer Nemlowill was present.

**Motion:** Madden moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF DEAN F. LOGAN TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF THREE (3) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Chairman Mansell recommended that Mr. Logan's recently completed Hunter Education course meet the criteria for the Hunter Education portion of this motion. The Commission was in consensus.

**Vote:** Unanimous

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James M. Hutchings  
Docket # 2015-0039

Hutchings was found guilty by the Desert Ridge Justice Court for Count A: Apply for 2012 resident elk tag by misrepresentation; and sentenced: Ordered to pay restitution of \$714.00.

Hutchings was not present, but sent a letter which was provided to the Commission.

The Commission read the letter from Mr. Hutchings (on file with packet)

Case Officer Nemlowill was present and answered questions for the Commission.

**Motion:** Davis moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JAMES M. HUTCHINGS TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF THREE (3) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

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Christopher J. Ball  
Docket # 2015-0043

Ball was found guilty by the Eloy Justice Court for Count A: Take wildlife without license (bobcat); and sentenced: Fined \$425.00.

Ball was not present.

Case Officer Nemlowill was present.

**Motion:** Ammons moved and Zieler seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CHRISTOPHER J. BALL TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE

THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST CHRISTOPHER J. BALL TO COLLECT THE AMOUNT OF \$250.00 FOR THE LOSS OF ONE (1) BOBCAT; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

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Christopher M. Perez  
Docket # 2015-0044

Perez was found guilty by the Eloy Justice Court for Count A: Possess/transport unlawfully taken wildlife (bobcat); and sentenced: Fined \$425.00.

Perez was not present.

Case Officer Nemlowill was present.

**Motion:** Madden moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CHRISTOPHER M. PEREZ TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

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William M. Harmon  
Docket # 2015-0047

Harmon was found guilty by the East Mesa Justice Court for Count A: Apply for/obtain 2003 resident hunting license by misrepresentation; and sentenced: Fined \$307.50 and ordered to pay restitution of \$3,388.50.

Harmon was not present.

Case Officer Nemlowill was present and answered questions for the Commission. Officer Nemlowill informed the Commission that Mr. Harmon was the only one in this group of related cases that was honest and forthcoming.

**Motion:** Davis moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF WILLIAM M. HARMON TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FOUR (4) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

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Bruce K. Barton  
Docket # 2015-0048

Barton was found guilty by the Yuma Justice Court for Count A: Obtain 2012 resident fishing license by misrepresentation; and sentenced: Fined \$262.00 and ordered to pay restitution of \$188.00.

Barton was not present, but sent a letter which was provided to the Commission. Mr. Barton also spoke with Mr. Elms on the phone and requested to receive community service and not a revocation.

The Commission read the letter from Mr. Barton (on file with packet)

Case Officer Nemlowill was present.

**Motion:** Madden moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF BRUCE K. BARTON TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF THREE (3) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND

ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

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John T. Harper, Jr.  
Docket # 2015-0050

Harper was found guilty by the Desert Ridge Justice Court for Count A: Obtain/accept/use 2013 resident hunt/fish license by misrepresentation; and sentenced: Ordered to pay restitution of \$1455.75.

Harper was not present, but sent a letter which was provided to the Commission.

The Commission read the letter from Mr. Harper (on file with packet)

Case Officer Nemlowill was present and answered questions for the Commission.

**Motion:** Zieler moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JOHN T. HARPER, JR. TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

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Paul S. Gould  
Docket # 2015-0051

Gould was found guilty by the Desert Ridge Justice Court for Count A: Obtain 2014 resident hunting license by misrepresentation; and sentenced: Ordered to pay restitution of \$492.00.

Gould was not present.

Case Officer Nemlowill was present and answered questions for the Commission.

**Motion:** Ammons moved and Zieler seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF PAUL S. GOULD TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

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Chau M. Nguyen  
Docket # 2015-0052

Nguyen was found guilty by the Yuma Justice Court for Count A: Take wildlife without valid license (tilapia); Count B: Take wildlife by unlawful method; and Count C: Possess/transport unlawfully taken wildlife (tilapia); and sentenced: Combined fine: \$664.98.

Nguyen was not present.

Case Officer Nemlowill was present.

Chairman Mansell confirmed with Mr. Elms that Mr. Nguyen has a history of fishing violations.

Commissioner Davis commented that this is those types of cases that the Commission may want to look at legislatively.

**Motion:** Mansell moved and Davis seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CHAU M. NGUYEN TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

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These hearings concluded at 2:35 p.m.

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